

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL C. MAYO,)
Plaintiff,)
v.) Case No. **1:21-cv-04653**
LARRY GAVIN, KAREN JONES-HAYES,)
DAMITA DELITZ, BRENDON) Hon. Judge Robert M. Dow, Jr.
LOMBARDI, DIRECTOR MILLER,) Mag. Judge M. David Weisman
OFFICER BUCHANAN, THOMAS DART,)
AND JOHN DOE 7,)
Defendants.)

PLAINTIFF'S MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Plaintiff Michael C. Mayo, by and through his attorneys, respectfully moves the Court for leave to amend his Second Amended Complaint, pursuant to Fed. R. Civ. P. 15(a)(2), and file a Third Amended Complaint. In support of this motion, Plaintiff states as follows:

1. On February 11, 2022, Plaintiff filed his First Amended Complaint in this action.

On May 12, 2022, Plaintiff filed his Second Amended Complaint in this action.

2. Plaintiff's proposed Third Amended Complaint identifies John Doe 7 who was involved with the response to the riot on April 29, 2020 and the transportation of Plaintiff to a different cell block following the riot.

3. After filing his First Amended Complaint, plaintiff moved for expedited discovery on March 7, 2022, in order to identify the John Does. The Court granted the motion on March 25, and from that point until an April 29 status conference with the Court, the parties worked informally to identify the John Does. Defense counsel identified all but one of the responding officers before Plaintiff filed his Second Amended Complaint.

4. However, as explained in the accompanying Memorandum of Law, Defense counsel did not identify the last John Doe defendant until May 23, 2022.

5. Plaintiff has identified John Doe 7 as Lieutenant Douge, the second member of the Emergency Response Team (along with Officer Buchanan) who escorted Plaintiff to a different cell block following the riot. Defense counsel identified this witness in a May 23, 2022 email to Plaintiff's counsel.

6. As contemplated by Plaintiff's Motion for Leave to File a Second Amended Complaint (Dkt. 39), Plaintiff is filing the instant motion to substitute Lieutenant Douge for John Doe 7.

WHEREFORE, as set forth more fully in the accompanying Memorandum of Law, Plaintiff respectfully requests that the Court grant him leave to amend his Second Amended Complaint, and allow him to file and serve a Third Amended Complaint.

Dated: June 6, 2022

Respectfully submitted,

/s/ David J. Zott

David J. Zott, P.C.
Howard Michael Kaplan
Vivek Biswas (*admitted pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862 2000
Facsimile: (312) 862-2200
Email: dzott@kirkland.com
Email: howard.kaplan@kirkland.com
Email: vivek.biswas@kirkland.com

John P. Hannon (*admitted pro hac vice*)
Jennifer M. Joslin (*admitted pro hac vice*)
KIRKLAND & ELLIS LLP
60 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 877-8100
Facsimile: (801) 877-8101
Email: john.hannon@kirkland.com
Email: jennifer.joslin@kirkland.com

Attorneys for Plaintiff Michael C. Mayo

CERTIFICATE OF SERVICE

This is to certify that, on June 6, 2022, a true and correct copy of **PLAINTIFF'S MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT** was served on all parties having made appearances in this matter via the Court's ECF Notification System.

/s/ David J. Zott

Attorney for Plaintiff Michael C. Mayo